

Legislative Drafting Seminar: Techniques for Drafting Amendments to Bills and Resolutions

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Overview

- Amendment Basics
- Preliminary Considerations
- Bill Version
- Amendment Format
- Types Of Amendments
- Bonus Drafting Tips

Amendment Basics

- What?
- Who?
- When?
- Where?
- Why?
- How?

What

amend, *vb.* **1.** To correct or make usu. small changes to **2.** To change the wording of; specif., to formally alter (a statute, constitution, motion etc.) by striking out, inserting, or substituting words. . . .

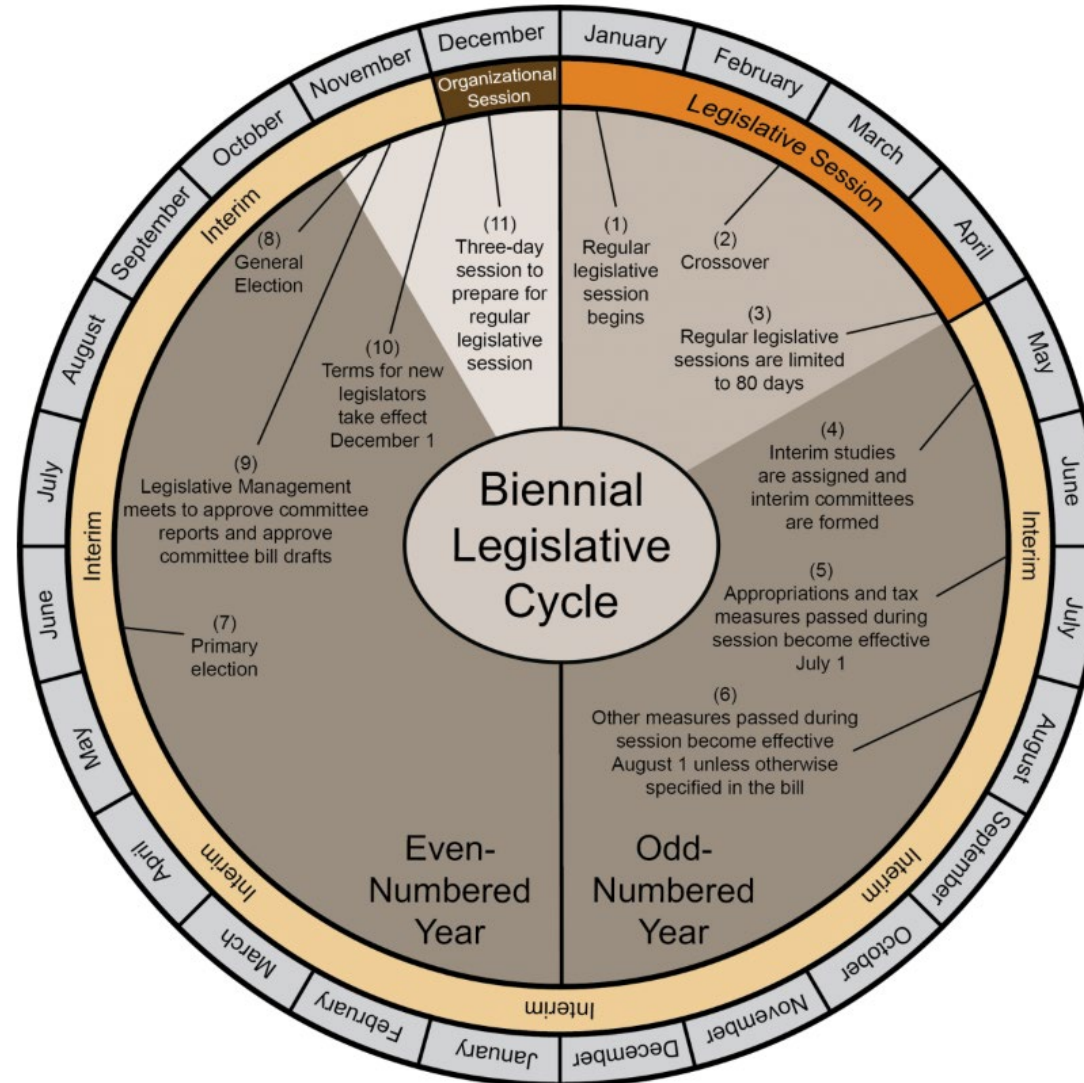
Black's Law Dictionary (11th Ed.)

Who

Lobbyist

- North Dakota Century Code Section 54-05.1-02 requires most people to register as lobbyists if they:
 1. Attempt to secure the passage, **amendment**, or defeat of any legislation by the Legislative Assembly or the approval or veto of any legislation by the Governor; or
 2. Attempt to influence decisions made by the Legislative Management or by an interim committee of the Legislative Management
- The most common exceptions include:
 1. Members of the Legislative Assembly
 2. Private citizens appearing on the citizen's own behalf
 3. An employee, officer, board member, volunteer, or agent of the state or political subdivision of the state acting in the individual's official capacity

When



When

2027 Legislative Deadlines

Date	Legislative Day	
November 25, 2026 (Wednesday)		Deadline for executive agencies and Supreme Court to file bills with the Legislative Council (H/SR 402(2), JR 208)
December 1-3 (Tuesday through Thursday)		Organizational session ¹
December 11 (Friday)		Deadline for legislators to submit health insurance mandate bills to the Legislative Council (JR 211)
December 18 (Friday)		Deadline for legislators to prefile bills (H/SR 401(3))
January 5 (Tuesday)	1 st	Session begins ¹ (Tribal-State Relationship Message, State of the Judiciary address, and State of the State address)
January 6 and 7 (Wednesday and Thursday)		No floor sessions, standing committees will meet
January 11 (Monday)	3 rd	No more than five bills may be introduced by each representative after this date (HR 402(1))
January 18 (Monday)	8 th	Deadline for representatives to introduce bills (HR 402(1)) No more than three bills may be introduced by each senator after this date (SR 402(1)) A Senate bill containing an appropriation clause may not be introduced after this date (SR 402(1)) Martin Luther King Day ²
January 25 (Monday)	13 th	Deadline for senators to introduce bills (SR 402(1))
January 28 (Thursday)	16 th	Deadline for introducing resolutions except amendments to the Constitution of North Dakota and study resolutions (H/SR 402(1))
February 8 (Monday)	23 rd	Deadline for rereferrals of bills in house of origin to Appropriations Committee (H/SR 329(4))
February 12 (Friday)	27 th	Deadline for introducing amendments to the Constitution of North Dakota and study resolutions (H/SR 402(3))
February 15 (Monday)	28 th	George Washington's Birthday ²
February 23 (Tuesday)	34 th	Bills and resolutions must be reported out of committee in house of origin (H/SR 509)
February 26 (Friday)	37 th	Crossover date for bills and resolutions ³ (Joint Rule 203)
March 1 and 2 (Monday and Tuesday)		Recess
March 3 (Wednesday)	38 th	Reconvene from crossover break
March 26 (Friday)	55 th	Deadline for rereferrals of bills in second house to Appropriations Committees (H/SR 329(4)) Good Friday ²
April 7 (Wednesday)	63 rd	Bills and resolutions must be reported out of committee in second house (H/SR 509)
April 30 (Friday)	80 th	Session limited to 80 legislative days ⁴

Where ?

HOW A BILL BECOMES LAW

1. Overview

North Dakota's biennial Legislative Assembly, composed of the House of Representatives and the Senate, is responsible for enacting laws and appropriating money necessary to operate the state government. Under the Constitution of North Dakota, the Legislative Assembly convenes the 1st Tuesday after the 3rd day in January during odd-numbered years and may meet for up to 80 legislative days during the biennium.

2. Bill Preparation

The Legislative Council—a nonpartisan staff of legal, fiscal, research, and administrative staff—researches and drafts bills for the Legislative Assembly.



3. Bill Introduction

Only members of the Legislative Assembly or state agencies, boards, and commissions can introduce a bill. After the preliminary business of opening a session, the presiding officer (the Lieutenant Governor in the Senate or the Speaker in the House) calls for an introduction of bills in each chamber.



4. Bill Number Assignment

After submission, the bill clerk assigns each bill a number. The Constitution of North Dakota requires every bill to be read on 2 separate days.



5. Committee Assignment & Introduction

After a bill has been assigned a bill number and the first reading has occurred, the bill is assigned to the corresponding House or Senate committee based on the subject matter of the bill.



6. Public Hearings

Upon arriving in committee the bill receives a public hearing, which typically includes an explanation of the bill, input from the public, and committee discussion.



7. Committee Recommendation & Report

After receiving public input the committee makes a recommendation on the bill and reports the bill back to the House or Senate. The committee may report the bill:

- Favorably;
- Unfavorably;
- With or without amendments;
- Without any recommendation; or
- Request the bill be rereferred to another committee, with or without amendments.



8. Calendar Placement & Consideration of Amendment

All bills, regardless of type of committee report, will be placed on the calendar for final passage.

9. Floor Debate

After a bill has been referred out of committee, and any amendments recommended by the committee either have been adopted or rejected by the house in which the bill was introduced, the members of the house in which the bill was introduced debate the merits of the bill and advocate for the defeat or passage of the bill.



10. Chamber Consideration

- After the floor debate has concluded, members of the house of introduction will vote to either pass or defeat the bill.
- If a bill is defeated it does not proceed any further through the legislative process.



- If the bill passes, the bill is delivered (messengered) to the second house.

11. Second House Consideration

- The second house takes the same steps taken by the house of introduction to refer the bill to the proper committee for discussion, public input, and committee recommendations.
- If the second house passes the bill in the same form in which it was passed by the house of introduction, the bill is enrolled, signed by the presiding officers, and sent to the Governor.



- If the second house adopts amendments to the bill, and passes the bill as amended, the bill is sent back to the house of introduction for concurrence.

- If the house of introduction concurs with the changes made by the second house, and passes the bill as amended, the bill is enrolled, signed by the presiding officers, and sent to the Governor.

- If the house of introduction does not concur with second house changes, conference committees will be appointed.



12. Conference Committee

- A conference committee consists of three members appointed from each house. The members of the conference committee discuss the bill and attempt to come to an agreement on the final language of the bill.

- A conference committee report containing the committee's recommendations is forwarded to each house when at least two of the three conference committee members from each house come to an agreement.



13. Enrollment

After the bill is approved by the House and the Senate, the bill is enrolled, signed by the presiding officers, and sent to the Governor. If signed, or sent to the Secretary of State without being signed, the bill becomes law on August 1, or July 1 for appropriations bills or revenue measures.



14. Veto Override

If the Governor vetoes a bill, the Legislative Assembly can override the veto with a 2/3 majority vote in each house.



15. Voters' Referral

Article III of the Constitution of North Dakota allows any group of 25 North Dakota voters to put a bill passed by the Legislative Assembly on the ballot to ask voters to reject the bill. This is called referring a measure. If a majority of votes on the referred measure are affirmative, the bill is rejected and is not law.

16. Initiated Measure

The Constitution of North Dakota preserves ordinary citizens' rights to make and reject laws. Any group of 25 North Dakota voters may collect signatures to put a new statute or constitutional provision on the ballot. This is called initiating a measure. If a majority of votes on the measure are affirmative, the measure becomes law.



How a Bill Becomes Law

A Guide to Lawmaking in North Dakota

Produced by the
North Dakota Legislative Council



0:00 / 7:30



Where?

Following introduction - until the legislature no longer has possession of the bill or resolution

- First or second house – before or after crossover
- Standing Committee
- Appropriations Committee
- Senate floor amendment
- Conference Committee

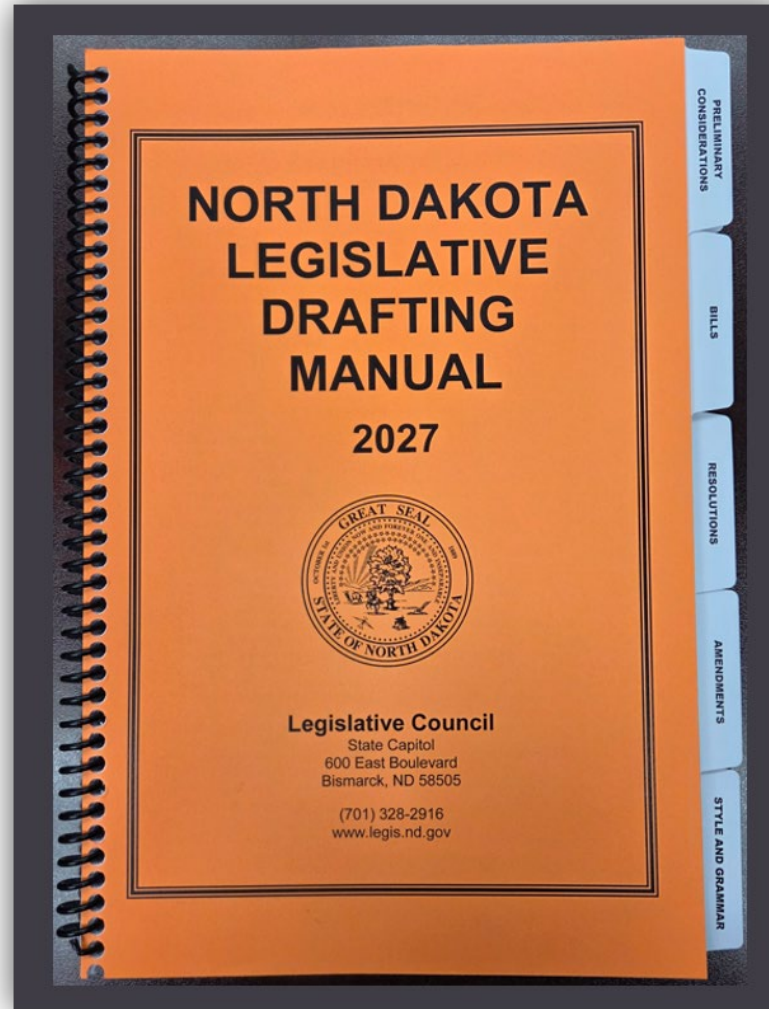
Why

Change substance of bill or resolution - Identified bill or resolution

Insert new substance - Unidentified bill

- Bill introduction deadline passed
- Revive language of failed bill

How



Get familiar with your manual; you will be using it a lot over the upcoming 80 legislative days.

<https://ndlegis.gov/sites/default/files/pdf/legislative-bill-drafting-manual/legislativedraftingmanual.pdf>



Questions?

Preliminary Considerations

Section 13 of Article IV of the Constitution Of North Dakota:

“ . . . no bill may be amended . . . in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title ”

“Under the single subject rule, a bill may include matters **naturally and reasonably connected** with the subject of the act as expressed in the title.”
Board of Trustees of N. Dakota Pub. Employees Ret. Sys. v. North Dakota Legislative Assembly, 2023 ND 185, 996 N.W.2d 873, 882 as clarified (Oct. 12, 2023)

NOTE: See page 7 of the drafting manual.

Preliminary Considerations

Subject Matter

- Workers' compensation – *Section 54-03-25*
- PERS – *Section 54-35-02.4(5)(6)*
- State land exchange – *Section 54-01-05.5*
- Health insurance mandate – *Section 54-03-28*

NOTE: See page 10 of the drafting manual.



Questions?

Amendments = Bill Drafting 2.0



Bill and resolution drafting rules . . . **With a few extras!**

- Bill Versions
- Amendment Format
- Types of Amendments

Bill Version

Amend proper bill version

- Correct version = version in the custody of committee clerk
- Most recent version on Legislative Council website is not necessarily the correct version to amend
 - Amendments only may be made to the introduced, engrossed, or reengrossed version of a bill or resolution
 - Never amend an amendment in context document
 - Never amend version “with” Senate, House, or Conference Committee amendments

TIP: If you don’t know which version to amend:

- Check with committee clerk
- Ask the Legislative Council staff

NOTE: See pages 61 and 67-69 of the drafting manual.

Bill Version

- Before preparing amendments to a bill, the bill must be checked to see if amendments to the bill have been adopted.
- If the bill has not been amended previously, the amendments must be prepared to the bill as introduced.
- If the bill has been amended, and the bill has been engrossed or reengrossed, the amendments must be applied to the engrossed or reengrossed version of the bill.
- Under legislative rules, a bill is almost always engrossed or reengrossed by the chamber of introduction. The opposite chamber may engross an opposite chamber's bill if approved by that chamber or on request of a leader in that chamber.

Bill Version

66th Legislative Assembly (2019-21)	
SB 2265 Passed	
Overview	Versions
Actions	
Video	
Audio	
VERSION	DESCRIPTION
19.0614.03000	INTRODUCED
19.0614.03000 \$	
19.0614.03004 A	Adopted by the Senate Education Committee
19.0614.03004 M	
19.0614.04000 E	FIRST ENGROSSMENT
19.0614.04000 \$	
19.0614.04001 A	Prepared by the Legislative Council staff for Senate Appropriations Committee
19.0614.04001 M	
19.0614.05000 E	SECOND ENGROSSMENT
19.0614.05000 \$	
19.0614.05006 A	Adopted by the House Education Committee
19.0614.05006 M	
19.0614.06000 E	SECOND ENGROSSMENT with House Amendments
19.0614.06000 \$	
19.0614.05008 A	Prepared by the Legislative Council staff for Representative Delzer
19.0614.05008 M	
19.0614.07000 E	SECOND ENGROSSMENT with House Amendments
19.0614.07000 \$	
19.0614.05018 A	Adopted by the Conference Committee
19.0614.05018 M	
19.0614.08000 E	SECOND ENGROSSMENT with Conference Committee Amendments
19.0614.08000 \$	
19.0614.09000	Enrollment

Bill Version

66th Legislative Assembly (2019-21)

SB 2265

Passed

Engrossment House Journal

Discipline Senate Journal

Overview

Versions

Actions

Video

Audio

Search:

DATE ▾	CHAMBER ▾	DESCRIPTION ▾	VERSION ▾	ROLL CALL	JOURNAL ▾
01/13	Senate	Introduced, first reading, referred to Education			SJ 199
01/20	Senate	Committee Hearing 09:00			
02/04	Senate	Reported back amended, do pass, amendment placed on calendar 7 0 0			SJ 413
02/05	Senate	Amendment adopted			SJ 423
02/05	Senate	Rereferred to Appropriations			SJ 423
02/06	Senate	Committee Hearing 08:30			
02/12	Senate	Reported back amended, do pass, amendment placed on calendar 14 0 0			SJ 582
02/13	Senate	Laid over one legislative day			SJ 593
02/14	Senate	Laid over one legislative day			SJ 625
02/17	Senate	Laid over one legislative day			SJ 676
02/18	Senate	Amendment adopted, placed on calendar			SJ 727
02/18	Senate	Second reading, passed, yeas 47 nays 0			SJ 727
02/19	House	Received from Senate			HJ 1005
02/26	House	Committee Hearing 04:00			
02/26	House	Introduced, first reading, referred to Education			HJ 1021
03/26	House	Reported back amended, do pass, amendment placed on calendar 13 1 0			HJ 1352
03/27	House	Amendment adopted			HJ 1372
03/27	House	Rereferred to Appropriations			HJ 1372
04/07	House	Reported back amended, do pass, amendment placed on calendar 18 1 2			HJ 1582
04/08	House	Amendment adopted, placed on calendar			HJ 1632
04/09	House	Second reading, passed as amended, yeas 74 nays 19			HJ 1666
04/09	Senate	Returned to Senate (12)			SJ 1382
04/10	Senate	Refused to concur			SJ 1442



Questions?

How to spot an amendment

- The proper amendment format consists solely of the amendment in context document (“marked-up version”).
- Colloquially referred to as the **Christmas Tree** version.
- Prior amendments used to cite page and line numbers (“A” document). This practice ended before the start of the 2025 legislative session.

Sixty-ninth
Legislative Assembly

- 1 3. The secretary of state shall compile the reports required under this section and make
2 the reports electronically accessible to the public.
- 3 4. A resident taxpayer may commence an action in a district court of this state against a
4 person required to comply with this section to compel compliance if all other
5 enforcement measures under this chapter have been exhausted and the taxpayer
6 reasonably believes the person has failed to comply with this section.
- 7 5. The secretary of state shall ~~determine adjustments~~adjust for inflation ~~of~~ the reporting
8 thresholds in this section ~~and, Beginning January 1, 2028, the secretary of state shall~~
9 increase the reporting threshold amount under this section by one hundred dollars
10 once every ten years from the last calendar year of adjustment. The secretary of state
11 shall instruct persons submitting reports under this section of the adjustments. ~~On-~~
12 ~~January first of each year, the secretary shall determine whether the accumulated~~
13 ~~change in the consumer price index for all urban consumers (all items, United States~~
14 ~~city average), as applied to each reporting threshold in this section, would result in an~~
15 ~~adjustment of at least ten dollars of the threshold in effect on that date. If so, the~~
16 ~~secretary of state shall deem the reporting threshold adjusted by ten dollars.~~

17 **SECTION 10. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.

18 **SECTION 11. APPLICATION.** A person required to file a campaign disclosure statement
19 under sections 16.1-08.1-02.1, 16.1-08.1-02.2, 16.1-08.1-02.3, and 16.1-08.1-02.4 disclosing
20 contributions received and expenditures made from January first through December thirty-first
21 of 2025, shall file the statement in accordance with the statutory requirements under chapter
22 16.1-08.1 as it existed prior to its repeal.

23 **SECTION 12. EFFECTIVE DATE.** Sections 1, 2, 3, 4, 6, 7, 8, 9, and 10 of this Act become
24 effective on January 1, 2026.

How to Prepare a Bill for Amending

- Find the bill you want to amend.
- Click on the version you want to amend. This will open a Word file.
- Name and save the file as a Word document.
- Open the bill in its newly saved Word format and begin amending.

2025 Regular Session (69th Legislative Assembly)
Measure Directory

Legend: T Introduced, A Amendment, E Engrossment, ✓ Enrollment

Legislative Drafting Manual

HB 1001	HB 1002	HB 1003	HB 1004	HB 1005	HB 1006
25014501000 T	25014601000 T	25014701000 T	25014801000 T	25014901000 T	25015001000 T
25014501001 A	25014601003 A	25014701006 A	25014801001 A	25014901002 A	25015001002 A
25014502000 E	25014602000 E	25014702000 E	25014802000 E	25014902000 E	25015002000 E
25014502001 A	25014603000 ✓	25014702005 A	25014802001 A	25014902004 A	25015002003 A
25014503000 E		25014703000 E	25014803000 E	25014903000 E	25015003000 E
25014504000 ✓		25014702006 A	25014804000 ✓	25014904000 ✓	25015002005 A
		25014702007 A			25015004000 E
		25014705000 E			25015005000 ✓
		25014706000 ✓			
HB 1007	HB 1008	HB 1009	HB 1010	HB 1011	HB 1012
25015101000 T	25015201000 T	25015301000 T	25015401000 T	25015501000 T	25015601000 T
25015101001 A	25015201001 A	25015301002 A	25015401001 A	25015501002 A	25015601018 A
25015102000 E	25015202000 E	25015302000 E	25015402000 E	25015502000 E	25015602000 E
25015103000 ✓	25015202001 A	25015302008 A	25015402001 A		25015602028 A
	25015203000 E	25015304000 E	25015403000 E		25015603000 E
	25015204000 ✓	25015302009 A	25015402002 A		25015602029 A
		25015305000 E	25015404000 E		25015602035 A
		25015306000 ✓	25015405000 ✓		25015605000 E
					25015606000 ✓

Amendment Format

North Dakota Century Code

- Underscore when creating new Century Code text.
- ~~Overstrike~~ when taking out existing Century Code text.
- Always place red overstruck text before green underscored text. (~~Overstrike~~Underscore)
- Reinstatement of existing Century Code text is blue.
- Insertion of an existing or new section of law from or to the Century Code must appear with a gray background.
- Insertion of a new special clause into a bill must have a blue background.
- Don't forget to renumber Century Code sections or correct Century Code cross-references.

Amendment Heading

When proposing amendments to a bill or resolution, the words "**PROPOSED AMENDMENTS TO**" must be placed before the bill or resolution heading. For example:

Seventieth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 1016



Questions?

Bill Title

When amending a bill or resolution, correct the title as needed to indicate any addition or removal of sections, or to add new statements concerning the contents of the bill or resolution.

“Transparency is the reason for requiring the subject of a bill to be expressed in its title. The title requirement ensures the public is informed of the matters within a bill, and it prevents legislators from unknowingly passing legislation inserted in a bill of which the title gives no intimation. It was designed to give all parties general notice of what the act contained so that the legislators might protest against unsatisfactory measures and clauses, and the public could in turn protest to their representatives.”

Board of Trustees of N. Dakota Pub. Employees Ret. Sys. v. North Dakota Legislative Assembly, 2023 ND 185, 996 N.W.2d 873, 881 as clarified (Oct. 12, 2023).

Bill Title Examples

A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to the dyslexia screening task force; to amend and reenact ~~sections~~section 15.1-32-25 ~~and 15.1-32-26~~ of the North Dakota Century Code, relating to mandatory dyslexia screening ~~and the dyslexia screening and intervention program;~~ and to provide for a legislative management report; and to declare an emergency.

1 A BILL for an Act to amend and reenact ~~section~~subsection 17 of section 16.1-08.1-01,
2 subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3 and 16.1-08.1-02.4,
3 subsection 3 of section 16.1-08.1-03.2, sections 16.1-08.1-03.7 and 16.1-08.1-06.2,
4 subsection 11 of section 54-66-01, and section 54-66-02 of the North Dakota Century Code,
5 relating to inflationary adjustments for campaign finance reporting thresholds; ~~and to provide for~~
6 ~~retroactive application.~~

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Subsection 17 of section 16.1-08.1-01 of the North Dakota
9 Century Code is amended and reenacted as follows:
10 17. "Ultimate and true source" means the person that knowingly contributed over two
11 hundred fifty dollars solely to influence a statewide election or an election for the
12 legislative assembly.

Bill Clauses

1 A BILL for an Act to create and enact **two new subsections** to section 11-09-12 of
2 the North Dakota Century Code, relating to the powers and duties of a county
3 manager.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** **A new subsection** to section 11-09-12 of the North Dakota
6 Century Code is created and enacted as follows:

7 Keep a separate true and correct account of the receipts and
8 expenditures of each fund of the county.

9 **SECTION 2.** **A new subsection** to section 11-09-12 of the North Dakota
10 Century Code is created and enacted as follows:

11 Produce at any meeting of the board of county commissioners or of any
12 committee appointed to examine the county manager's accounts,
13 whenever ordered to do so by the board of county commissioners, all of
14 the books and papers pertaining to the county manager's office.

NOTE: If creating two new subsections to the same Century Code section,
use two separate bill sections.

Bill Clauses

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - PUBLIC EMPLOYEES RETIREMENT SYSTEM PRESCRIPTION DRUG COVERAGE. During the 2019-20 interim, the legislative management shall study the feasibility and desirability of the public employees retirement system entering a separate contract for prescription drug coverage under the uniform group insurance program. The legislative management may contract with a private third party to assist in conducting the study and identifying pros and cons relating to a carve out for prescription drug coverage under the uniform group insurance program. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 4. APPLICATION. Section 2 of this Act applies to contracts entered by the public employees retirement system board on and after the effective date of this Act.

SECTION 5. EFFECTIVE DATE. Section 1 of this Act becomes effective on January 1, 2020.

Special Bill Clauses

Bill section as published:

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2026.

Proposed amendments:

SECTION 4. EFFECTIVE DATE. ~~This~~ Sections 1 and 2 of this Act ~~is~~ are effective for taxable years beginning after December 31, 2026.

Proposed amendments:

SECTION 4. APPROPRIATION - TAX COMMISSIONER - HOMESTEAD TAX CREDIT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$80,000,000, or so much of the sum as may be necessary, to the tax commissioner for the purpose of paying the state reimbursement under the homestead tax credit, for the biennium beginning July 1, 2027, and ending June 30, 2029.

Types of Amendments

Correcting Internal References

If a section of a bill or a section or subsection of Century Code is added, removed, or renumbered by amendment, check cross-references within the bill and the **entire Century Code**.

TIP: Checking for changes to bill sections and Century Code cross-references should be one of the final steps of amendment drafting.

NOTE: See page 62 of the drafting manual.

Correcting Century Code References

- 8 8. "Genetic sibling" means individuals with genetic relationship of sister, brother,
9 half-sister, or half-brother.
- 10 9. "Human service zone" means a county or consolidated group of counties
11 administering human services within a designed area in accordance with an
12 agreement or plan approved by the department.
- 13 10. "Identifying" includes full name, address, date of birth, telephone number, or anything
14 that may lead to the identity of any previously undisclosed individual.
- 15 ~~10.~~ 11. "Investigation" includes information obtained regarding the child's history, a
16 preplacement adoption assessment of the prospective adoptive family, and an
17 evaluation of the child's placement in the adoptive home.
- 18 ~~11.~~ 12. "Minor" means an individual under the age of eighteen years.

Types Of Amendments

North Dakota Century Code

- Adding new Century Code text = underscore
- Taking out existing text from Century Code = ~~overstrike~~

TIP: If both adding and taking out, ~~overstrike~~ first and then insert.

NOTE: See page 62 of the drafting manual.

Century Code – Adding and Removing

Bill section as published:

SECTION 1. AMENDMENT. Section 20.1-04-13 of the North Dakota Century Code is amended and reenacted as follows:

20.1-04-13. When harmful wild birds may be killed.

~~Any person~~A district game warden may kill ~~any~~a harmful wild bird in this state during daylight hours.

Bill section as published:

SECTION 1. AMENDMENT. Section 4.1-22-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-22-03. Authority for inspection.

The commissioner shall inspect all nursery stock being grown in North Dakota at least ~~once~~twice each year and may enter and inspect any nursery or place of business during normal business hours.

Proposed amendments:

SECTION 1. AMENDMENT. Section 20.1-04-13 of the North Dakota Century Code is amended and reenacted as follows:

20.1-04-13. When harmful wild birds or mice may be killed.

~~Any person~~A district game warden may kill ~~any~~a harmful wild bird or mouse in this state during daylight hours.

Proposed amendments:

SECTION 1. AMENDMENT. Section 4.1-22-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-22-03. Authority for inspection.

The commissioner shall inspect all nursery stock being grown in North Dakota at least ~~once~~twice each year ~~and may enter and inspect any nursery or place of business during normal business hours.~~

Century Code – Adding and Removing

Bill section as published:

SECTION 1. A new section to chapter 1-03 of the North Dakota Century Code is created and enacted as follows:

Closing of state offices - New Year's Eve

State offices must be closed at twelve noon on December thirty-first, New Year's Eve day, unless it is a weekend or holiday pursuant to section 1-03-02.1.

Proposed amendments:

SECTION 1. A new section to chapter 1-03 of the North Dakota Century Code is created and enacted as follows:

Closing of state offices - New Year's Eve

State offices must be closed at ~~twelve noon~~eleven a.m. on December thirty-first, New Year's Eve day, unless it is a weekend or holiday pursuant to section 1-03-02.1.

Adding and Removing - Video Example

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO.

Introduced by

Representatives Roers Jones, Frelich, Mock, Motschenbacher, D. Ruby, Wagner
Senators Barta, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 39-10.1 of the North Dakota
2 Century Code, relating to bicycling under the influence of alcohol or drugs; to amend and
3 reenact section 39-07-01 and subsection 1 of section 39-10.1-01 of the North Dakota Century
4 Code, relating to a bicycle and a ridden animal being deemed a vehicle; and to provide a
5 penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 39-07-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-07-01. Bicycle or ridden animal to be deemed vehicle.**

10 For

11 1. Except as provided in subsection 2, for the purposes of chapters 39-08 through 39-13,
12 a bicycle or a ridden animal must be deemed a vehicle.

13 2. For purposes of section 39-08-01, a bicycle or ridden animal may not be deemed a
vehicle.

0:00 / 2:404

Format for Amending Dollar Amounts

- When an amendment will change the dollar amount listed in a bill or resolution, overstrike the entire dollar amount, and insert the proposed new dollar amount.
- Do not overstrike and replace portions of an amount.

Incorrect:

For amounts not in excess of ~~five~~six thousand ~~four~~three hundred ~~twenty-five~~ten dollars, the credit is equal to...

Correct:

For amounts not in excess of ~~five thousand four hundred twenty-five~~six thousand three hundred ten dollars, the credit is equal to...

Century Code – Reinstating

- When existing law has been proposed for removal in a bill through the use of an overstrike of the language and the desire is to preserve and reinstate the language as it currently reads in the Century Code, the overstrike must be removed, and the language must be displayed in **blue text**.

Bill section as published:

SECTION 1. AMENDMENT. Section 4.1-16-06 of the North Dakota Century Code is amended and reenacted as follows:

4.1-16-06. License fee.

The fee for a beekeeper's license is ~~five~~ten dollars. All fees collected must be deposited in the ~~agriculture commissioner operating~~general fund.

Proposed amendments:

SECTION 1. AMENDMENT. Section 4.1-16-06 of the North Dakota Century Code is amended and reenacted as follows:

4.1-16-06. License fee.

The fee for a beekeeper's license is ~~five~~ten dollars. All fees collected must be deposited in the ~~agriculture commissioner operating~~general fund.

Reinstating - Video Example

1 A BILL for an Act to amend and reenact subsection 8 of section 12-47-21 of the North Dakota
2 Century Code, relating to use of wireless electronic communications devices at the department
3 of corrections and rehabilitation; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 8 of section 12-47-21 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 8. a. It is unlawful for a penitentiary inmate to willfully manufacture, possess, or use a
8 wireless electronic communications device on or within any premises under the
9 control of the department of corrections and rehabilitation or any of its divisions
10 except for law enforcement purposes as authorized by the department of
11 corrections and rehabilitation.
- 12 b. It is unlawful for any person to willfully deliver, or possess with intent to deliver, a
13 wireless electronic communications device to a penitentiary inmate or to any
14 person for redelivery to a penitentiary inmate, or to allow a penitentiary inmate to
15 possess or use a wireless electronic communications device, on or within any
16 premises under the control of the department of corrections and rehabilitation or
17 any of its divisions except for law enforcement purposes as authorized by the
18 department of corrections and rehabilitation.
- 19 c. A violation of this subsection is a class C felony.

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Century Code – Subsections or Subdivisions

- When inserting or removing a subsection or subdivision from a bill, the amendment must renumber or reletter the subsections or subdivisions.
- **REMINDER:** Make sure to check for cross-references throughout the bill and the Century Code.

Bill section as published:

5-01-22. Powdered alcohol products prohibited - Penalty - Exceptions.

1. As used in this section, "powdered alcohol product" means any alcohol prepared or sold in a powder form for ~~either~~ direct use or reconstitution in a liquid beverage or food.
2. A person may not sell, offer to sell, purchase, offer to purchase, possess, or consume a powdered alcohol product.
3. A violation of this section is a class ~~B misdemeanor~~ C felony.
4. This section does not apply to the use of powdered alcohol products for research by a:
 - a. Health care provider that operates primarily for the purpose of conducting scientific research;
 - b. State institution;
 - c. Private college or university; or
 - d. Pharmaceutical or biotechnology company.

Proposed amendments:

5-01-22. Powdered alcohol products prohibited - ~~Penalty~~ - Exceptions.

1. As used in this section, "powdered alcohol product" means any alcohol prepared or sold in a powder form for ~~either~~ direct use or reconstitution in a liquid beverage or food.
2. A person may not sell, offer to sell, purchase, offer to purchase, possess, or consume a powdered alcohol product.
3. ~~A violation of this section is a class B misdemeanor~~ C felony.
- ~~4.~~ This section does not apply to the use of powdered alcohol products for research by a:
 - a. Health care provider that operates primarily for the purpose of conducting scientific research;
 - b. ~~State institution~~;
 - ~~c.~~ Private college or university; or
 - ~~d-c.~~ Pharmaceutical or biotechnology company.

Types Of Amendments

North Dakota Century Code

Adding Century Code text

- When proposing the insertion of an existing section of law from the Century Code into a bill, the current law of the section being added to the bill should appear in black text with no overstrike or underscore. Only the text being added to, or eliminated from, the existing section of law should appear in green underscore or red overstrike.
- When proposing to insert a new section of the bill creating a Century Code provision, all new Century Code language being inserted should appear in green underscored text.
- Both the new and existing section of law being inserted into the bill must appear with a gray background.

Example

Proposed amendments inserting additional Century Code sections into a bill:

SECTION 3. AMENDMENT. Section 20.1-01-16 of the North Dakota Century Code is amended and reenacted as follows:

20.1-01-16. Common carriers not to transport game ~~or~~, fish, or frogs except during open seasons.

~~No~~A transportation company or common carrier may not receive for transportation, transport, or attempt to transport any protected game birds, animals, ~~or~~ fish, or frogs except during the open season for such birds, animals, ~~or~~ fish, or frogs.

SECTION 4. A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

General penalty.

A person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class A misdemeanor.

Types Of Amendments

North Dakota Century Code

Three ways to reinstate existing Century Code text proposed to be removed:

- Remove overstrike
- Remove entire section from bill
- Remove repeal section from bill

TIP: Once you remove the overstrike, make sure the section of the bill still contains substantive changes. If no substantive changes are remaining, remove the section from the bill.

Century Code – Remove Entire Section

A BILL ~~for an Act to amend and reenact section 20.1-04-13 of the North Dakota Century Code, relating to killing of harmful birds or mice~~for an Act to provide for a legislative management study regarding the feasibility and desirability of permitting a district game warden to kill harmful wild mice.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. ~~Section 20.1-04-13 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**20.1-04-13. When harmful wild birds or mice may be killed.**~~

~~Any person A district game warden may kill any harmful wild bird or mouse in this state during daylight hours.~~

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - DISTRICT GAME WARDENS KILLING HARMFUL WILD MICE. During the 2025-26 interim, the legislative management shall study the feasibility and desirability of permitting a district game warden to kill harmful wild mice. The study must include consideration of the frequency and impact of harmful wild mice, a review of other states' laws related to harmful wild mice, and input from the game and fish department. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Types Of Amendments

Removing Proposed New Century Code Text

- Remove or replace new language
- Remove entire section from bill

TIP: Once again, review the section to make sure the remaining section contains substantive changes.

NOTE: See page 63 of the drafting manual.

Removing Proposed New Century Code Text

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-01-08 of the North Dakota Century Code is amended and reenacted as follows:

5-01-08. Individuals under ~~twenty-one~~nineteeneighteen years of age prohibited from entering licensed premises - Penalty - Exceptions - Referrals to addiction facilities.

Except as permitted in this section and section 5-02-06, any individual under ~~twenty-one~~nineteeneighteen years of age purchasing, attempting to purchase, or being in possession of alcoholic beverages, or furnishing money to any individual for the purchase, or entering any licensed premises where alcoholic beverages are being sold or displayed, except a restaurant when accompanied by ~~a parent or legal guardian~~an adult, or in accordance with section 5-02-06, or if the individual is a law enforcement officer entering the premises in the performance of official duty, is guilty of a class B misdemeanor. The court may, under this section, refer the individual to an outpatient addiction facility licensed by the . . .

Inserting Century Code Section and Removing a Section – Video Example

1 A BILL for an Act to create and enact sections 19-03.1-23.5 and 19-03.1-23.6 of the North
2 Dakota Century Code, relating to a mandatory term of imprisonment for manufacturing or
3 delivering fentanyl and fentanyl reporting; to amend and reenact subsection 2 of section
4 29-29.5-08 of the North Dakota Century Code, relating to the disposition of cases involving
5 confidential informants; to provide a penalty; and to provide for application.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** Section 19-03.1-23.5 of the North Dakota Century Code is created and
8 enacted as follows:

9 **19-03.1-23.5. Mandatory term of imprisonment for manufacturing or delivering**
10 **fentanyl.**

11 1. An individual arrested for manufacturing, delivery, or possession with intent to
12 manufacture or deliver fentanyl or fentanyl derivatives may not enter a plea agreement
13 dissolving the individual's arrest related to manufacturing, delivery, or possession with
14 intent to manufacture or deliver fentanyl or fentanyl derivatives.

15 2. Notwithstanding section 19-03.1-23, an individual who has been arrested for, or pled
16 guilty or nolo contendere to, or has been found guilty of manufacturing, delivery, or
17 possession with intent to manufacture or deliver fentanyl or fentanyl derivatives must
18 be sentenced to a minimum sentence of one year imprisonment.

19 3. The court may not defer imposition of sentence or suspend any part of the specified
20 minimum mandatory term under subsection 2 either at the time of or after the
21 imposition of the sentence.

22 **SECTION 1.** A new section to chapter 19-03.1 of the North Dakota Century Code is created

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Adding and Removing a Special Clause – Video Example

11 a. The data and report compiled under this section are open records.
12 b. The attorney general may require the reporting of additional information not
13 specified in this section. The attorney general shall develop standard forms,
14 processes, and deadlines for annual submission of fentanyl data by law
15 enforcement agencies.
16 c. If a law enforcement agency fails to file a report within thirty days after the report
17 is due, the attorney general may compel compliance by any means until the
18 report is filed.
19 d. By November first of each year, the attorney general shall submit to the
20 legislative management and the governor a written report summarizing the
21 number of deaths that occurred in the state caused by or related to fentanyl
22 consumption during the preceding calendar year. The attorney general shall
23 make the report available on the attorney general's website.
24 **SECTION 3. AMENDMENT.** Subsection 2 of section 29-29.5-08 of the North Dakota
25 Century Code is amended and reenacted as follows:
26 2. After~~Except for a sentence imposed under section 19-03.1-23.5, after~~ consideration of
27 an informant agreement, a court may defer imposition of sentence or suspend a
28 portion of a minimum mandatory sentence when a confidential informant has
29 substantially complied with an informant agreement.
30 **SECTION 4. APPLICATION.** Section 3 of this Act applies to an informant agreement
31 entered after the effective date of this Act.

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Questions?

Bonus Drafting Tips

Definitions

- Adding a definition
 - Keep definitions in alphabetical order
 - Renumber Century Code provisions
 - Check whether a definition is needed – does an applicable definition already exist?
 - Make sure you use the new defined term
 - Check cross-references (**ENTIRE** Century Code)
- Amending a definition – check whether Century Code uses this definition in other laws
- Removing a definition
 - Renumber
 - Check cross-references (**ENTIRE** Century Code)

TIP: When drafting, avoid the use of cross-references to subsections.

Bonus Drafting Tips – Hoghouse Amendment

- In some cases, it is acceptable to propose the removal of all the text of a bill through use of a "hoghouse" amendment.
- Use of "hoghouse" amendments is **discouraged**, but if clarity is enhanced, a "hoghouse" amendment may be used.

NOTE: See page 67 of the drafting manual.

A BILL ~~for an Act to amend and reenact section 20.1-04-13 of the North Dakota Century Code, relating to killing of harmful birds or mice~~ for an Act to provide for a legislative management study regarding the feasibility and desirability of permitting a district game warden to kill harmful wild mice.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. ~~Section 20.1-04-13 of the North Dakota Century Code is amended and reenacted as follows:~~

~~20.1-04-13. When harmful wild birds or mice may be killed.~~

~~Any person A district game warden may kill any harmful wild bird or mouse in this state during daylight hours.~~

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - DISTRICT GAME WARDENS KILLING HARMFUL WILD MICE. During the 2025-26 interim, the legislative management shall study the feasibility and desirability of permitting a district game warden to kill harmful wild mice. The study must include consideration of the frequency and impact of harmful wild mice, a review of other states' laws related to harmful wild mice, and input from the game and fish department. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Bonus Drafting Tips

Amendments to bills that have been amended but not engrossed - typically second house Appropriations Committees

Language in the following format must be placed at the top of the proposed amendment to identify the previous amendment the new amendment is proposed to replace:

In place of amendment ([25.0230.01001](#)) [adopted][proposed in the journal]
by the House, Senate Bill No. 2163 is amended by amendment
([25.0230.01002](#)) as follows:

NOTE: See pages 67 and 82 of the drafting manual.

Bonus Drafting Tips

- Conference Committee amendments - Three types.
- The report language for amendments recommended by the Conference Committee must be placed at the top of the amendments prepared for the committee.

1. That the (insert chamber of introduction) accept the (insert second chamber) amendments (insert the amendment number of the amendments adopted by the second chamber) to (insert the version of the bill that was amended by the second chamber) (insert bill number).

Example: That the Senate accept the House amendments ([25.0310.02001](#)) to Engrossed Senate Bill No. 2001.

2. That the (insert second chamber) reject its amendments (insert the amendment number of the amendments adopted by the second chamber) to (insert the version of the bill that was amended by the second chamber) (insert bill number).

Example: That the House reject its amendments ([25.0310.02001](#)) to Engrossed Senate Bill No. 2001.

3. That in place of amendment (insert the amendment number of the amendments adopted by the second chamber) adopted by the (insert second chamber), (insert the version of the bill that was amended by the second chamber) (insert bill number) is amended by amendment (insert the amendment number being recommended by the conference committee).

Example: In place of amendment ([25.0310.02001](#)) adopted by the House, Engrossed Senate Bill No. 2001 is amended by amendment ([25.0250.02002](#)).

NOTE: See pages 67-68 and 83 of the drafting manual.

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